

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7686

BILL NUMBER: HB 1608

NOTE PREPARED: Feb 9, 2007

BILL AMENDED: Feb 8, 2007

SUBJECT: Drug Testing of Public Works Employees.

FIRST AUTHOR: Rep. Van Haaften

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: ☒ GENERAL
☒ DEDICATED
☒ FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill reenacts the statute that requires the employees of public works contractors to submit to drug testing so that the statute applies to public works contracts of all public entities.

The bill repeals the current drug testing statute. It specifies requirements for a contractor's employees drug testing program. The bill also provides that a contract that complied with the current statute is considered to comply with the new statute.

Effective Date: July 1, 2007.

Explanation of State Expenditures: The bill would expand the state drug testing policy for public works projects to include construction, alteration, or repair of a highway, street, alley, bridge, sewer, drain, other improvement, building, facility, or other structure leased. The bill would expand the coverage to Department of Transportation projects.

The bill may increase the cost of state public works projects if the contractor and subcontractors include the cost of drug testing in their bids. The testing cost could range from about \$6 per test to \$500 per test, depending on the test used. In the aggregate, the testing costs would probably represent only a minor increase in the cost of a public works project.

Explanation of State Revenues:

Explanation of Local Expenditures: The bill requires contractors and subcontractors to include the plans

for their drug-testing program with their bids. The programs must include:

1. Subjecting each of the contractor's employees at least one time a year to testing.
2. At least 2% of employees must be randomly selected each month for testing.
3. The test must test for at least:
 - a. Amphetamines.
 - b. Cocaine.
 - c. Opiates (92000 ng/ml).
 - d. PCP.
 - e. THC.
4. Impose progressive discipline on an employee who fails a drug test. The progression must be at least:
 - a. 30-day suspension after first positive test.
 - b. 90-day suspension after second positive test.
 - c. 1-year suspension after third positive test.The employee would also have to be directed to a program of treatment or rehabilitation and be subject to unannounced testing for one year.

A contractor that is subject to a collective bargaining agreement would be treated as having an employee drug testing program requirement if the agreement:

1. Provides for random testing of employees.
2. Includes a five-drug panel that tests for substances listed above.
3. Imposes disciplinary measures. The measures at a minimum must include the following:
 - a. Employee is subject to suspension or immediate termination.
 - b. Employee is not eligible for reinstatement until the employee tests negative on a five-drug panel test.
 - c. Employee is subject to unscheduled sporadic testing for a least one year after reinstatement.
 - d. Employee successfully completes a rehabilitation program if the employee fails more than one drug test.

The testing cost could range from about \$6 per test to \$500 per test, depending on the test used. In the aggregate, the testing costs would probably represent only a minor increase in the cost of a public works project.

Explanation of Local Revenues:

State Agencies Affected: All.

Local Agencies Affected: All.

Information Sources:

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